

Amendments to House Bill No. 267
1st Reading Copy

Requested by Representative Rob Cook

For the House Transportation Committee

Prepared by Dave Bohyer
February 13, 2015 (11:30am)

1. Title, line 9.

Following: "CERTIFICATE;"

Insert: "PROVIDING INSURANCE REQUIREMENTS FOR CLASS E MOTOR CARRIERS;"

2. Page 2.

Following: line 24

Insert: "NEW SECTION. **Section 4. Transportation network carrier insurance.** (1) A transportation network carrier, as defined in 69-12-101, and each transportation network carrier driver shall maintain transportation network carrier insurance as provided in this section.

(2) Transportation network carrier insurance must provide:

(a) from the moment a transportation network carrier driver accepts a ride request on the transportation network carrier digital network or software application until the driver completes the transaction on the digital network or software application or until the ride is complete, whichever is later:

(i) at least \$1 million for death and bodily injury per person;

(ii) at least \$1 million for death and bodily injury per incident;

(iii) at least \$1 million for property damage;

(iv) at least \$1 million for uninsured motorist coverage and underinsured motorist coverage; and

(v) collision physical damage coverage and comprehensive physical damage coverage if the transportation network carrier driver carries collision physical damage coverage and comprehensive physical damage coverage on the driver's personal automobile insurance policy, unless the insurer for the transportation network carrier also provides transportation network carrier insurance to the driver; and

(b) from the moment a transportation network carrier driver logs on to the transportation network carrier digital network's online-enabled application or platform until the transportation network carrier driver accepts a request to transport a passenger and from the moment the transportation network carrier driver completes the transaction on the online-enabled application or platform or the ride is complete, whichever is later, until the

transportation network carrier driver either accepts another ride request on the online-enabled application or platform or logs off the online-enabled application or platform:

(i) liability insurance meeting the minimum coverage requirements of 61-6-103(1)(b); and

(ii) collision physical damage coverage and comprehensive physical damage coverage if the transportation network carrier driver carries collision physical damage coverage and comprehensive physical damage coverage on the driver's personal automobile insurance policy, unless the insurer for the transportation network carrier also provides transportation network carrier insurance to the driver.

(3) The insurance coverage required by this section is satisfied if transportation network carrier insurance is maintained by;

(a) a transportation network carrier driver;

(b) a transportation network carrier that provides coverage if a transportation network carrier driver's insurance policy under subsection (3)(a) has ceased to exist or has been canceled or the driver does not otherwise maintain transportation network carrier insurance; or

(c) any combination of a transportation network carrier driver and the transportation network carrier with which the driver is affiliated, but only if the transportation network carrier verifies that the coverage is maintained by the driver and is specifically written to cover the driver's use of a vehicle in connection with a transportation network carrier's digital network or software application.

(4) Whenever transportation network carrier insurance maintained by a transportation network carrier driver to fulfill the insurance requirements of this section has lapsed or ceased to exist, the transportation network carrier with which the driver is or was affiliated shall provide the coverage required by this section beginning with the first dollar of a claim.

(5) The insurer providing transportation network carrier insurance under this section shall defend and indemnify the insured.

(6) Coverage under a transportation network carrier insurance policy is not dependent on a personal automobile insurance policy first denying a claim, and a personal automobile insurance policy is not required to first deny a claim."

Insert: "NEW SECTION. Section 5. Transportation network carrier insurance -- limitations -- coverage. (1) The provisions of this section apply during the period of time from the moment a transportation network carrier driver for a transportation network carrier logs on to the transportation network carrier's digital network or software application until the driver logs off the digital network or software application or until the ride is complete, whichever is later.

(2) The personal automobile insurance policy of a

transportation network carrier driver or the owner of a vehicle driven by a transportation network carrier driver does not provide any coverage to the driver, the vehicle owner, or any third party unless:

(a) the personal policy expressly provides for transportation network carrier insurance during the time described in subsection (1), with or without a separate charge; or

(b) the personal policy contains an amendment or endorsement to provide transportation network carrier coverage for which a separately stated premium is charged.

(3) The insurer of a transportation network carrier driver does not have a duty to defend or indemnify for the driver's activities in connection with the transportation network carrier unless:

(a) the policy expressly provides for defense or indemnification for the period of time described in subsection (1), with or without a separate charge; or

(b) the policy contains an amendment or endorsement to provide the coverage, for which a separately stated premium is charged.

(4) A personal automobile insurer may offer an automobile liability insurance policy or an amendment or endorsement to an existing policy that covers a private passenger vehicle with a passenger capacity of eight persons or fewer, including the driver, whenever the vehicle is used in connection with a transportation network carrier's digital network or software application and only if:

(a) the policy expressly provides for the coverage during the times described in subsection (1), with or without a separate charge; or

(b) the policy contains an amendment or an endorsement to provide the coverage, for which a separately stated premium may be charged.

(5) A transportation network carrier or its insurer shall cooperate with all other insurers that are involved in a claim coverage investigation to facilitate the exchange of information, including but not limited to:

(a) providing the date and time at which an accident occurred that involved a transportation network carrier driver; and

(b) providing the precise times that the transportation network carrier driver logged on and off the transportation network carrier's digital network or software application.

(6) A transportation network carrier driver shall carry proof of transportation network carrier insurance coverage whenever the driver operates as a transportation network carrier driver. Whenever a transportation network carrier driver is involved in a vehicle accident, the driver shall provide proof of and information about the driver's transportation network carrier insurance coverage to the other party, if any, involved in the

accident and, upon request, to any law enforcement officer or agency.

(7) This section determines the obligations under transportation network carrier insurance policies issued to transportation network carriers and, if applicable, transportation network carrier drivers using a vehicle in connection with a transportation network carrier's digital network or software application.

(8) Nothing in this section may be construed to require a private passenger automobile insurance policy to provide primary or excess coverage during the times described in subsection (1)."

Insert: "NEW SECTION. **Section 6. Transportation network carrier insurance disclosures.** A transportation network carrier shall, in writing as part of the carrier's agreement with the transportation network carrier drivers affiliated with the carrier:

(1) disclose the insurance coverage and limits of liability that the transportation network carrier provides while the driver uses a vehicle in connection with a transportation network carrier's digital network or software application; and

(2) advise each driver that the driver's personal automobile insurance policy may not provide any required or optional transportation network carrier insurance coverage because the driver uses a vehicle in connection with a transportation network carrier's digital network or software application."

Renumber: subsequent sections

3. Page 6.

Following: line 21

Insert: "(19) "Transportation network carrier insurance" means an insurance policy that specifically covers a transportation network carrier driver's use of a vehicle in connection with a transportation network carrier's digital network or software application."

Renumber: subsequent subsection

4. Page 16, line 14.

Following: "**instruction.**"

Insert: "(1)"

5. Page 16.

Following: line 16

Insert: "(2) [Sections 4 through 6] are intended to be codified as an integral part of Title 33, chapter 23, and the provisions of Title 33, chapter 23, apply to [sections 4 through 6]."

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